

SEWEE Association, Inc.  
Edward L. Graham  
Testifying on HR 638  
THE NATIONAL WILDLIFE REFUGE REVIEW ACT OF 2013  
House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs  
April 25, 2013

Chairman Fleming, Ranking Member Sablan, and Members of the Subcommittee:

My name is Edward L. Graham, board member of SEWEE Association, Inc. (“SEWEE”), which serves as a “Friends group” for South Carolina’s three coastal national wildlife refuges as well as the Francis Marion National Forest. I appreciate this opportunity to submit testimony on H.R. 638, the “National Wildlife Refuge Review Act of 2013.”

I submit this testimony on behalf of SEWEE, the National Wildlife Refuge Association and its nearly 200 affiliated refuge Friends groups nationwide.

So that you may put my remarks in context, allow me to tell you a bit about myself. I grew up in Florence, South Carolina, seventy miles from the Atlantic coast. My father was sports editor of the local newspaper when I was born, and later became a federal probation officer and lay minister. My mother was a Registered Nurse, when she was not taking time off from her career to raise children. Both of my parents were devout Baptists, who instilled in my sisters and me the values of education, hard work, charity, respect for all people and the duty to be stewards of God’s majestic Creation.

I was educated at Furman University (B.A. 1975) in Greenville, South Carolina and the University of Virginia School of Law (J.D. 1978) in Charlottesville, Virginia. After my freshman year at Furman, my burgeoning interest in public affairs was piqued by a summer working as a Congressional intern for the late John McMillan of South Carolina’s Sixth Congressional District. My initial shyness about public speaking was overcome in part by working one summer in law school for the U.S. Attorney’s office, another summer for the State Attorney General in Richmond, and during my third year as an intern to the Commonwealth’s Attorney in Charlottesville, helping with the courtroom prosecution of

crimes like robbery and rape. For over 34 years I have been engaged in the private practice of law, focusing on complex civil litigation.

Among my most cherished childhood memories are family vacations at the beach, interacting with birds, dolphins and turtles in the dunes, marshes and open waters. During such times, I felt so very much at peace in the wild outdoors, playing with childlike abandon among the pounding ocean waves, swaying palms, and stately live oaks. I recall keeping safe distance from the alligators, while secretly delighting in the terror they inspired. Perhaps that sense of exhilaration as a child is what led to my becoming an avid scuba diver with an affinity for sharks and rays. Surely that early appreciation of the wonders of nature contributed to my decision to live as an adult on the South Carolina coast, with my wife Emily, and with the stunning beauty of Cape Romain National Wildlife Refuge as our backyard. Undoubtedly, all of these experiences have inspired my ongoing zeal to protect the sanctity of our wildlife refuges for our children, grandchildren and beyond, yours, mine and those of our fellow citizens.

SEWEE is an amazingly diverse group of dedicated citizens of all genders, races, religions, occupations and political persuasions. All are drawn by the beauty of our refuge lands, waters and skies, and the bounty of land animals, sea creatures and birds that use our refuges for habitat. All are committed to share these hallowed places with our fellow citizens and to conserve these special resources for future generations. We support three coastal refuges: Cape Romain, ACE Basin and Waccamaw. We have over 1,500 dues-paying members and boast volunteer services per year equivalent to at least seven full-time employment positions. We provide environmental education programs for over 10,000 children and teachers each year. Our name SEWEE, serves two purposes. It honors the small tribe of Native Americans of that same name who formerly lived as hunters-gatherers in the Cape Romain area, but it also serves as an acronym which emphasizes the educational component of our mission: South Eastern Wildlife and Environmental Education. Yet education is not our only mission. We support the refuges' commitment to provide the public access to lands and waterways for hunting, fishing, wildlife observation and photography.

### **Administrative Establishment of Refuges**

Today I speak not only on behalf of SEWEE and its citizen supporters of our three coastal refuges, but also on behalf of the National Wildlife

Refuge Association and its affiliated Friends organizations nationwide. We oppose the National Wildlife Refuge Review Act of 2013, and support the current ability of the U.S. Fish and Wildlife Service (FWS) to create new wildlife refuges, for the following reasons:

1. The current process works. Our refuges are proof, and if our communities had not been supportive, the FWS would never have created these refuges.

2. Second, the Act is unnecessary, because Congress already controls the federal purse, and can exercise its duty to avoid unwise spending by withholding any requested funding, without any change in the law being required. All of you already have financial oversight power over any new refuges that are created. I strongly believe in the three branches of government and the important roles each plays in our society. Your role, with the power of the purse, already gives you the most important seat at the table for addressing the extent to which we should commit our financial resources to conserve and protect our natural resources.

3. The challenge to create new wildlife refuges requires maximum agility, as demonstrated time and time again by the FWS. While Congress certainly has the right to create new units of the Refuge System, and has wisely done so many times, passage of the Act could create cumbersome, undue burdens on the creation of future wildlife refuges, by restricting or eliminating completely the opportunity for wildlife refuges to be created with efficiency and economy. That process often involves cooperation among many stakeholders, constituencies and funding resources. It requires the ability to move with speed and agility, or risk losing a golden opportunity for effective stakeholder teamwork and perhaps a shared cost of investment.

Allowing wildlife refuges to continue to be created administratively maximizes the chance for lands to be acquired efficiently and economically where the opportunity is present, the need is greatest and where there are like-minded groups ready, willing and able to participate. If the Act were passed, the time required for congressional approval for a new refuge could take so long that the needs and priorities of various stakeholders would have changed, increasing costs and jeopardizing the ability of the FWS to acquire lands and in some cases to obtain financial contributions from non-governmental sources.

## **Establishment of Refuges in Coastal South Carolina**

All of our coastal South Carolina Refuges were created administratively, but may not have been created if that power and responsibility had been vested solely with Congress. Let me explain by providing some details about how our refuges were created. Please note how increasingly complex and intertwined the process has been for our newer refuges.

### **Cape Romain NWR**

Cape Romain is the oldest of our refuges. Recognizing the high migratory bird benefits and recreational opportunities served by the lands and waters of the refuge, President Hoover administratively created Cape Romain NWR in 1930 under the Migratory Bird Conservation Act, the Fish and Wildlife Act, and the Refuge Recreation Act. The acquisition boundary of Cape Romain NWR encompasses 66,287 acres made up of barrier islands, salt marsh, tidal flats, and open water. Open water, in the form of tidal creeks and bays, encompasses 31,000 acres within the refuge boundary. These areas are owned by the State of South Carolina but were added to the FWS jurisdiction and management through a 100-year lease issued in 1991. The barrier islands of the refuge stretch for 18 miles off the coast from Bull Island in the south to Cape Island in the north. The barrier islands allow for the formation of the extensive salt marsh and extremely productive estuary in the area between the islands and the mainland. An additional 28,000 of the 66,287 acres is comprised of natural salt marsh and this along with the northern barrier islands were designated by Congress in 1975 as a Class 1 Wilderness Area, the largest on the East Coast.

In order to accomplish the mission of the refuge it has become essential to form partnerships for support, especially in recent economic times. Partnerships and volunteers have been essential in maintaining and enhancing refuge activities at Cape Romain including the biological programs, visitor services, and land acquisition. Partners include SC Department of Natural Resources, SEWEE Association, The Nature Conservancy, Francis Marion National Forest, The Land Conservancy, Coastal Expeditions, Dewees Island Conservancy, S.C. Aquarium, Ducks Unlimited, Town of Awendaw and the Town of McClellanville.

## **Ernest F. Hollings ACE Basin NWR**

Our second oldest coastal refuge, the Ernest F. Hollings ACE Basin NWR, resulted from several public and private stakeholders working together. The ACE Basin Project was initiated in 1988 when Ducks Unlimited, Inc., The Nature Conservancy, FWS, the South Carolina Department of Natural Resources, and a number of private landowners came together and formed the ACE Basin Task Force. “ACE” stands for the three major rivers in the basin—the Ashepoo, Combahee, and Edisto. Currently, including the refuge acreage, approximately 208,000 acres of the ACE Basin has been brought under various forms of conservation management. The ACE Basin NWR was established administratively on September 20, 1990, by President George H. W. Bush. Recognizing the importance of the ACE Basin system for wetland and habitat protection, migratory bird benefits and conservation opportunities served by the lands and waters of the refuge, ACE Basin NWR was designated under the Emergency Wetlands Resources Act of 1986, the Fish and Wildlife Act of 1956, and the Migratory Bird Conservation Act. The refuge was renamed the Ernest F. Hollings ACE Basin National Wildlife Refuge on May 16, 2005, in honor of South Carolina’s retired U.S. Senator, Ernest F. Hollings.

## **Waccamaw NWR**

Our newest refuge, Waccamaw NWR, was established administratively in 1997 after completion of a two-year environmental impact statement (EIS). The area that is now encompassed with the Waccamaw NWR Acquisition Boundary was first identified for protection in the 1980’s while the FWS was developing an Atlantic-Eastern Gulf Coast Migratory Bird Habitat Plan (FWS 1982) and the Preservation of Black Duck Wintering Habitat Plan (FWS 1985). In 1993, Sandy Island, a key land feature within the proposed study area, was targeted for a new bridge and development plan. The Winyah Bay Focus Area Task Force, a coalition of private, corporate, state, and federal land managers, nominated Sandy Island to be considered for designation as a national wildlife refuge. A Pre Project Investigation and a Pre Project Proposal were developed after the nomination in 1994. During this time, the owners of Sandy Island who were seeking a bridge permit were instructed by the Corps of Engineers to conduct an EIS for this proposed bridge project due to anticipated impacts the project could have on endangered species. The owners learned about the Winyah Bay Focus Area refuge nomination and flew to Washington DC to

request that the refuge also go through an EIS. The decision was made in the Washington Office to go ahead with an EIS for the proposed refuge.

After two years and numerous public meetings, the EIS was completed. U.S. Congressmen and Senators participated in the meetings to gauge public support, and the USFWS hosted additional meetings in conjunction with the state DNR to maximize public input. In the end, the public support was very strong and included a signed petition from over 100 local businesses in favor of establishing the refuge. The refuge was approved after the EIS by the FWS Regional Director and established soon after by a donation of land from the Historic Ricefield Association. To date, the refuge now owns and/or manages over 130 parcels totaling 28,766 acres.

### **Benefits to the Public**

The three coastal refuges supported by SEWEE are extremely valuable to the public.

The islands of Cape Romain support the largest nesting loggerhead sea turtle rookery outside of Florida, on average 1,100 nests per year, but increasing significantly in recent years. Several species of seabirds depend on the barrier islands for nesting habitat; which in many years is the only natural nesting area utilized in the state. Migratory shorebirds also depend on these areas for foraging and roosting during the spring and fall migration. Cape Romain NWR is second only to Delaware Bay in density of shorebirds during migration and is designated critical habitat for loggerhead sea turtles and piping plovers. We host in captivity two red wolves, a highly endangered species.

Many of the residents of the Cape Romain NWR area utilize the estuary of the refuge to harvest shellfish as their livelihood. There are countless recreational fishermen as well as commercial fishing guides in the refuge. Eco-tourism has become increasingly popular in the area, including kayaking, bird watching and naturalist guided tours. Last month Cape Romain NWR hosted its first annual Bull's Bay Festival, an all day opportunity for families to watch slide shows, hike and boat with naturalist guides, and enjoy endemic crafts and arts. The pristine water and air quality support the health and well being of the wildlife and the local communities. A 2004 report "Banking on Nature" showed that Cape Romain NWR had 320,000 visitors which generated 218 full-time or part-time jobs and created

a job income of \$5.73 million. I believe those numbers to have increased significantly over the past nine years.

The primary purpose of ACE Basin NWR is to conserve a nationally significant wildlife ecosystem that will provide a complex of habitats for wintering waterfowl, endangered species, other migratory and resident birds, mammals, reptiles, amphibians, and plants. The ACE Basin Project is widely recognized as a unique and critical environment marked by a wide diversity of wildlife and plants and represents the largest estuarine resource in South Carolina. The refuge is composed of two units, together comprising approximately 12,000 acres (20,000-acre acquisition boundary) in Charleston, Beaufort, Colleton, and Hampton counties. The refuge's two units are drained by two significant river systems: the Combahee-Salkahatchie, which flows through the Combahee Unit; and the South Edisto, which flows adjacent to the Edisto Unit. Many broad, low-gradient interior drains are present as either extension of tidal streams and rivers or flooded bays and swales. Within this diverse drainage system, the refuge contains exceptionally diverse wildlife habitat including high-quality forested wetlands, forested uplands, brackish natural marshes, freshwater natural marshes, managed marshes or wetland management units, marsh islands, and pristine estuarine rivers.

As an indicator of the productivity of the ACE Basin estuary/forested wetland ecosystem, the commercial fishery harvest from this area is over 2.74 million pounds annually, or about 21 percent of the state's total volume of fish and shellfish. Recreational fishing in the ACE Basin system is also a popular activity. Blue crabs, shrimp, and oysters/clams are the three main fisheries in the ACE Basin. In addition, there are smaller fisheries for shad, sturgeon, horseshoe crabs, and flathead catfish. The refuge also features opportunities for hunting of white tailed deer, feral hog and waterfowl, as well as wildlife observation, photography and education.

Throughout the creation and maturation of the Waccamaw NWR, community support has played an integral role in shaping the refuge, including the funding and promoting of the Cox Ferry Lake Recreation Area and the Waccamaw NWR Environmental Education Center. Previous opponents to refuge establishment have sold key parcels that are now part of the refuge including Sandy Island. The public use programs have been so successful that the City of Conway has asked the refuge to expand into their waterfront district to protect the view shed. Over 4,000 student visits to the

environmental education center a year are being supported by local foundations and SEWEE. The total visitation for the Cox Ferry Lake Recreation Area is on target to top 20,000 car visits in 2013. The FWS has kept its promise to offer compatible, quality, priority public use opportunities on the refuge. This was a very important subject during the planning stages of the refuge, and today this commitment is just as strong as it was during the public information meetings held by the service in the very beginning.

### **Conclusion**

I have just told you a great deal about our world class refuges (which I invite ALL of you to visit) and the beneficial impact they have had on our communities, citizens and visitors. Without the U.S. Fish and Wildlife Service's ability to act nimbly, efficiently and decisively to create these refuges administratively, it is unclear whether the refuges would even exist; and if they had been created, it is unlikely they could have garnered the financial support from non-governmental groups who were able to step up and save taxpayer dollars.

I would also like to extend our full support, as well as that of the National Wildlife Refuge Association, for HR 1384, the Wildlife Refuge System Conservation Semipostal Stamp Act of 2011. SEWEE fully understands the challenges faced by our entire National Wildlife Refuge System due to inadequate funding. This bill would create a new semipostal stamp, modeled after the recently enacted Multi National Species Fund stamp, and would generate additional funding for the operations and maintenance backlog of the Refuge System. This bill would allow our Friends group and other refuge supporters nationwide to show our support for the entire Refuge System. We further support H.R. 1300, which would reauthorize the volunteer programs and community partnerships for the benefit of the Refuge System.

Thank you for allowing me to testify on HR 638. I would appreciate the opportunity to spend time with you personally and show you around our refuges, so please visit us whenever you are in the Charleston area.